

**Statement by Hans van Loon, Secretary General of the Hague Conference on
Private International Law, on the occasion of the deposit of the instrument of
ratification of the *Hague Convention of 29 May 1993 on Protection of Children and
Co-operation in Respect of Inter-country Adoption*, by the United States of America,
12 December 2007**

Mr Ambassador Arnall,
Mrs Ambassador Harty,
Ladies and Gentlemen,
Dear Friends,

This is a day of great joy, for all of us, and of great significance to children and families in the United States of America and, indeed, in many other countries on our planet. For the second time in a few weeks, the United States has manifested its commitment to Hague standards for a just and stable legal order in our globalizing world. On November 23, 2007, the US was the first country to sign the new Hague Convention on child support and other forms of family maintenance, thereby demonstrating its firm intention to make this new, potentially forceful treaty a living reality. Today, the US joins 74 States by ratifying another vital instrument relating to personal security: the 1993 Hague Inter-country Adoption Convention. Of course, the US has been a party for many years already to a *third* Hague Convention in this area: the 1980 Hague Child Abduction Convention.

What connects and inspires all these Hague instruments is the awareness that cross-border movement of people and cross-border relationships need the guidance and protection of the law, not just in the abstract but through effective cooperative legal machinery – to serve the real interests of people, families, and children in the face of the legal complexity that arises when multiple countries and legal systems are involved in their lives and dealings.

The idea for the 1993 Convention came up some twenty years ago, when it became clear that an older Hague Convention on international adoption of children had not met with great success. The 1965 Hague Convention had been ratified by the UK, Switzerland and Austria, and so it covered one or two inter-country adoptions per year only. Not that it was a bad treaty, but it had been negotiated by too small a circle of States and did not provide the necessary mechanism for transnational cooperation.

In contrast, the 1993 Convention was negotiated by almost 70 States, and it is aimed at ensuring cooperation among the countries of origin and the countries receiving children. In fact, at about the time work on the new Convention started, inter-country adoption itself was at risk, with an increasing number of children's countries of origin closing borders or otherwise rendering adoption impossible. The Convention has created a global framework that provides stability by giving countries the control they need to trust their partners.

It shifts procedures to an early stage of the process, with the emphasis on careful preparation and careful matching of the child and the prospective adoptive parents. This makes it possible to avoid the traditional two-step process, where a full procedure in the country of origin often had to be practically replicated in the receiving country.

Under the Convention, once the country of origin has given the green light, in cooperation with the receiving country, the child is free to enter and reside permanently in the receiving country, and the adoption made in the country of origin will be recognized not only in the country receiving the child, but in *all* States parties to the treaty and, as a further bonus, the child may automatically receive the citizenship of his or her new country – which is what US legislation provides.

An enormous amount of work has been done by and in the US to make this ratification possible. It started with the negotiations in The Hague. Assistant Legal Advisor Peter Pfund, like a master conductor, orchestrated the US delegation such that all of the many interested groups felt represented and a part of the process. After the adoption of the treaty, the work on implementation legislation began which one could almost describe as Sisyphean labor and lasted more than a decade. Peter accepted to push the boulder up the mountain, but at times it seemed to become heavier and heavier. Others took over and, when all were in despair, Ambassador Maura Harty, with the help of her staff, put all her energy into the effort and made the impossible happen.

The Convention will be important not only to the US, but also to many other countries. One striking effect of the ratification today by the US is that, yesterday, the Parliament of Guatemala, a major country of origin of children adopted in the US, voted a law that will assist in implementing the Convention in that country.

The Permanent Bureau of the Hague Conference on Private International Law will do whatever it can to make the Convention work. Earlier this year, we set up a Centre for Judicial Studies and Technical Assistance that has already helped countries in their efforts to establish the legislation and infrastructure necessary to implement the Convention. We look forward to close cooperation with the US in making the Convention a blessing to children and families all over the world.